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# What You Need to Know About Bill 120

Government  
Publications

## Ontario's Residents' Rights Act

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# Information for Tenants



Ontario

Ministry of Housing



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# What is Bill 120?

Bill 120, the Residents' Rights Act, is a new law in Ontario. It means that if you live in a care home, you and your care home operator are now covered under the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act.

**On August 22, 1994,  
the Care Homes part of  
Bill 120 became law.**

*How do I know if my care home  
is covered under this new law?*

Almost all care homes in Ontario are now covered under Bill 120. These include care homes where residents receive some type of service such as health care, rehabilitative services (such as those at a drug or alcohol treatment centre), therapeutic services or assistance with daily living. They include unlicensed nursing homes, rest homes, retirement residences, homes for special care, group homes, rooming and boarding homes that provide care services, and private non-profit charitable institutions.

If you are not sure whether your care home is affected, ask your care home landlord. You may also call your area Ministry of Housing Rent Control Office for assistance (the phone numbers are listed at the back of this brochure.)



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## *Will the way I live in my home change as a result of this law?*

There will be no changes in the way you live in your home. You will not have to move, or make any other adjustments.

## *What will my care home operator have to do?*

There are some steps which the operator of your care home will have to take to comply with the Residents' Rights Act.

He or she will have to register the care home with the Ontario Rent Registry, located at Rent Control Offices across the province.

Care home operators must supply the following information to the Ontario Rent Registry:

- a statement of care home information which includes total amount charged for rent, care services, meals, number of units and number of residents living in the care home

The government will begin registering care homes in early 1995.

## *Now that my care home is covered under the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act, what do I need to know?*

The Residents' Rights Act states that care home residents are now protected under these laws, just like other tenants in Ontario.

It is a good idea to find out more about these laws, so you are aware of all your rights.

Here is a short description of these laws:

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# Landlord and Tenant Act

Care home residents are now covered under the Landlord and Tenant Act. The Act will apply in exactly the same way as it does for most other tenants in Ontario. It will provide residents with “security of tenure,” which means landlords of care homes will not be able to evict their tenants unless it is for one of the reasons set out in the Act.

You will also be assured of privacy, as entry into your home is allowed only under certain circumstances. Your landlord will be able to come into your home –

- in the case of an emergency
- if the landlord asks if he or she can enter right away, and you say it is all right

The landlord can also enter your home if your Tenancy Agreement states that —

- the landlord can enter when he or she gives you 24 hours’ notice in writing
- your unit is to be cleaned on a regular basis
- your unit can be shown to prospective tenants, after you have given him or her a “notice of termination” that states you will be moving out

Tenancy Agreements are described in the next section of this brochure.

**The Landlord and Tenant Act now applies to care homes.**



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The Residents' Rights Act requires that operators prepare a Tenancy Agreement for each resident. You will receive a copy of the Tenancy Agreement from your landlord, which must include these details:

- the accommodation you will receive, and the charge for the rent
- the care services and meals you will receive, and the charges for them

You have the right to consult someone (such as a family member or lawyer) about the agreement. You can also cancel the agreement, in writing, within five days after you sign it.

Your landlord must give you a copy of the Tenancy Agreement 21 days after you sign it.

### *How do evictions work?*

Landlords of care homes who wish to evict a resident must do so according to the reasons stated in the Landlord and Tenant Act. The Act states that a tenant can be evicted before the end of the term if the tenant doesn't pay the rent. Other reasons a tenant can be evicted are:

- situations where a care home resident's safety is seriously impaired by another resident
- if a resident disturbs the enjoyment of the premises by other residents or the landlord
- if a resident does something illegal

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- violation of some of the house rules that are typically established by supportive housing programs may often meet one or more of these eviction grounds, and could then be used to evict difficult tenants.

In cases other than late payment of rent or termination at the end of the term of the tenancy, the landlord must give 20 days' notice to the tenant before evicting. The tenant then has seven days to correct the problem. If the problem is not corrected, the landlord can apply for a court order to permit eviction. This 20-day notice rule also applies if the tenant is doing something illegal, or misrepresents his or her income in public housing, but in these situations the operator may immediately apply for a court order to evict the tenant.

## Rent Control Act

Landlords and tenants of care homes now have rights and obligations under the Rent Control Act. For example, these provisions of the Act will now apply to the *accommodation portion* of the amount charged by the landlord to the tenant:

- the rules about rent
  - ~ the landlord will not be able to increase the rent more than once every 12 months
  - ~ 90 days' notice must be given to the tenant before charging a rent increase
- the rent control guideline
  - ~ the maximum rent charged to the tenant cannot exceed the rent control guideline
  - ~ if the landlord applies for an increase above the guideline, the increase to the rent will not be more than three per cent



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Care home landlords and tenants are able to file applications for rent increases or decreases under the Act, in the same way as do landlords and tenants of other residential complexes.

In addition, landlords will have to comply with the maintenance and standards provisions in the Act. Care homes must be in good repair, and follow standards set by the municipality or the province.

**The Rent Control Act applies to care homes as of November 23, 1993.** This is the date the Residents' Rights Act received first reading in the Ontario legislature.

Care homes are also now covered under the Rental Housing Protection Act. This means that, in all cases, landlords will have to get approval from the municipality before converting a care home into another kind of facility. In larger municipalities, a landlord will have to get permission from the municipality before converting a residential rental building into a care home.

This Act protects the province's supply of care homes.

**The Rental Housing Protection Act now applies to care homes.**



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## *Does the Residents' Rights Act include anything else?*

Your care home landlord is also required to provide you with a care home information package. This information package will have complete details on the care home and its services so you and your family can make good decisions about the care services and meals you will receive.

You should also be aware that your landlord must give you 90 days' notice before increasing the charges for *care services or meals*.

## *How do I find out more about my rights and responsibilities?*

If you would like more information on the Residents' Rights Act, please contact your area Rent Control Office. Further information on the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act is also available.

## *How will the Residents' Rights Act improve the lives of care home residents?*

The Residents' Rights Act has been designed to look after many important aspects of a resident's care, so that security and dignity are protected and respected. It will not change how you live in your home.

The rights and responsibilities in the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act will ensure that residents, for the first time, are fully protected under the law.

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These are the major areas covered under the Residents' Rights Act:

- rent paid for accommodation, limited by rent control so unfair increases are not given to the tenant, and notice required for increases
- charges for care services and meals, and notice of increases
- “security of tenure” and protection from arbitrary evictions
- maintenance and repair of living quarters
- protection from demolition of the care home or conversion to another use, unless municipal approval is obtained first

And, because a care home information package will now be provided to all tenants on the care services and meals provided, informed choices can be made by residents and their families. This information will be useful if you are making the initial decision to move into a care home. If you already live in a care home, it will outline some of the aspects of living in the care home, including some of your rights.



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# For more information

**If you want more detailed information about how the Residents' Rights Act affects you, please call your area Rent Control office:**

**Barrie**

(705) 737-2111

Toll-free: 1-800-461-2882

**Hamilton**

(905) 528-8701

Toll-free: 1-800-668-9565

**Kingston**

(613) 548-6770

Toll-free: 1-800-263-6092

**Kitchener**

(519) 579-5790

Toll-free: 1-800-265-8926

**London**

(519) 679-7270

Toll-free: 1-800-265-0937

**North Bay**

(705) 476-1231

Toll-free: 1-800-463-4815

**Oshawa**

(905) 723-8135

Toll-free: 1-800-461-0837

**Ottawa**

(613) 230-5114

Toll-free: 1-800-263-8957

**Owen Sound**

(519) 376-3202

Toll-free: 1-800-265-3737

**Peterborough**

(705) 743-9511

Toll-free: 1-800-461-0255

**St. Catharines**

(905) 684-6562

Toll-free: 1-800-263-4937

**Sudbury**

(705) 675-4373

Toll-free: 1-800-461-9909

**Thunder Bay**

(807) 475-1595

Toll-free: 1-800-267-0898

**Timmins**

(705) 264-9555

Toll-free: 1-800-461-5851

**Toronto**

(416) 326-9800

**Etobicoke – City of York**

(416) 314-0780

**Mississauga**

(905) 270-3280

Toll-free: Zenith 9-6000

**North York**

(416) 314-9550

**Scarborough – East York**

(416) 314-8640

**Windsor**

(519) 253-3532

Toll-free: 1-800-265-6924

If you want more copies of this document, please call the Ministry of Housing's customer assistance line at: (416) 585-7041

